

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jean Paul Lozada	Team: Squad #9	CCRB Case #: 201703356	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 04/13/2017 12:30 AM	Location of Incident: Nostrand Avenue & Cortelyou Road	Precinct: 67	18 Mo. SOL 10/13/2018	EO SOL 10/13/2018	
Date/Time CV Reported Mon, 05/01/2017 1:55 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 05/01/2017 1:55 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Brandon Ravelo	26010	948409	SRG

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DTS Ryan Stigell	01218	951302	SRG

Officer(s)	Allegation	Investigator Recommendation
A.POM Brandon Ravelo	Force: Police Officer Brandon Ravelo pointed his gun at § 87(2)(b)	
B.POM Brandon Ravelo	Abuse: Police Officer Brandon Ravelo threatened § 87(2)(b) with the use of force.	
C.POM Brandon Ravelo	Force: Police Officer Brandon Ravelo used physical force against § 87(2)(b)	

Case Summary

On May 1, 2017, § 87(2)(b) filed this complaint with the CCRB via telephone.

On April 13, 2017, at approximately 12:30 a.m., § 87(2)(b) his cousin § 87(2)(b) and an individual known only as § 87(2)(b) were in a vehicle being driven by their friend, § 87(2)(b) when an unmarked police vehicle attempted to pull § 87(2)(b) over at Bedford Avenue and Tilden Avenue in Brooklyn for having excessively tinted windows. § 87(2)(b) refused to pull over because his license was suspended, and a vehicular chase ensued. Approximately nine blocks away from the start of the chase, on Nostrand Avenue between Cortelyou Road and Clarendon Road, § 87(2)(b) and § 87(2)(b) exited the moving vehicle. § 87(2)(b) landed in the street on his left arm, resulting in two abrasions to his arm. PO Brandon Ravelo of Strategic Response Group (Citywide Anti-Crime) immediately exited the police vehicle and pointed his gun at § 87(2)(b) (**Allegation A**). § 87(2)(b) ran to the intersection of Nostrand Avenue and Cortelyou Road, and PO Ravelo said, "Don't move or I'll shoot (**Allegation B**). " § 87(2)(b) stopped and turned towards PO Ravelo, and PO Ravelo allegedly punched him in his face, resulting in two chipped teeth and a broken nose (**Allegation C**). § 87(2)(b) and § 87(2)(b) were transported to the 67th Precinct stationhouse, where they refused medical attention and were released with summonses for disorderly conduct for blocking vehicular traffic on Nostrand Avenue (Board Review 01). § 87(2)(b) was arrested and charged with reckless endangerment in the first degree, unlawful fleeing a police officer in a motor vehicle in the second degree, criminal possession of stolen property in the fifth degree, and reckless endangerment of property.

Surveillance footage from Blue Bayou Party Hall at 1734 Nostrand Avenue was obtained (Board Review 02). This footage shows § 87(2)(b) and § 87(2)(b) exiting § 87(2)(b)'s car, PO Ravelo chasing after § 87(2)(b) on Nostrand Avenue, and Det. Stigell approaching § 87(2)(b) who had landed in the street behind a row of parked cars. This footage is embedded below and can also be found in IA#35.



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Mediation, Civil and Criminal Histories

- This case was deemed ineligible for mediation due to § 87(2)(b) nose and teeth allegedly being broken as a result of this incident.
- On April 24, 2017, § 87(2)(b) filed a notice of claim alleging negligence, violations or civil and constitutional rights, unlawful imprisonment, police brutality, personal injuries, and malicious prosecution, and he is seeking unspecified damages (Board Review 03).
- § 87(2)(b);§ 86(1)(3)(4);§ 87(2)(c)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint in which § 87(2)(b) is involved (Board Review 05).
- PO Ravelo has been a member of the NYPD for eight years and is the subject of 39 prior CCRB allegations involving 14 cases with no substantiated allegations (Board Review 06).

- PO Ravelo was subject of Force: Physical Force allegations in case numbers 201003269 (complainant uncooperative), 201004854 (exonerated), 201102167 (unfounded), 201200271 (unsubstantiated), 201212004 (complainant uncooperative), 201212526 (complainant uncooperative), and 201405321 (exonerated).
- PO Ravelo was the subject of Abuse: Threat of Force allegations in case numbers 201102167 (unfounded), 201212526 (complainant uncooperative), 201304609 (complainant uncooperative), and 201405321 (unsubstantiated).

Potential Issues

- § 87(2)(b) the § 87(2)(b) Blue Bayou Party Hall, stated that he witnessed the incident. He was not willing to provide a full statement to the CCRB, but he noted that he believed the officers did nothing wrong.
- The surveillance footage from Blue Bayou Party Hall was filmed by the undersigned as § 87(2)(b) played the pertinent portions of the footage on a monitor in his apartment. However, when the undersigned reached out to § 87(2)(b) to attempt to secure the footage on a USB flash drive, § 87(2)(b) stated that he inadvertently deleted the footage from the incident date.
- Etienne Home Care Services, the storefront business that § 87(2)(b) was allegedly punched in front of did not have functional cameras, and a request to TARU for footage from camera # C6-21107 was returned with negative results.

Findings and Recommendations

Allegations Not Pleaded

- § 87(2)(b) alleged that Det. Ryan Stigell of Strategic Response Group approached him as he stood in a lane of traffic on Nostrand Avenue, grabbed him by his neck, restricting his breathing for approximately 30 seconds, and said, “Don’t fucking go anywhere,” “Where the fuck did your friend go?,” “Why are you being a smart asshole?,” and, “Don’t fucking worry about him.” § 87(2)(b) made no mention of these allegations. § 87(2)(b) missed two scheduled interviews on May 18, 2017 and May 23, 2017, and he failed to respond to subsequent contact attempts to reschedule his interview. On July 27, 2017, a search of the NYC Department of Correction database revealed no record of § 87(2)(b) being incarcerated. In the surveillance footage from Blue Bayou Party Hall (Board Review 02), the view of Det. Stigell’s apprehension of § 87(2)(b) is obstructed by a row of parked vehicles. In light of the above, no Force: Chokehold, Force: Breathing Restricted, or Discourtesy: Word allegations are pleaded against Det. Stigell.
- In a Threat, Resistance, and Injury Report, Sgt. Rafael Tosado of Strategic Response Group indicated that he used a forcible take-down in order to apprehend § 87(2)(b) (Board Review 07). § 87(2)(b)
 This case is therefore being closed without a sworn statement from § 87(2)(b) and as such, no Force: Physical Force allegation is pleaded against Sgt. Tosado.
- § 87(2)(b) stated that while he was in a cell at the 67th Precinct stationhouse, he asked PO Ravelo for treatment for his bleeding elbow, and that PO Ravelo told him that he would be released within one hour. § 87(2)(b) then decided that he would go to the hospital on

his own. As such, no Abuse: Refusal to Obtain Medical Treatment allegation is pleaded against PO Ravelo.

Allegation A – Force: Police Officer Brandon Ravelo pointed his gun at § 87(2)(b)

Allegation B – Abuse of Authority: Police Officer Brandon Ravelo threatened § 87(2)(b) with the use of force.

Allegation C – Force: Police Officer Brandon Ravelo used physical force against § 87(2)(b)

§ 87(2)(b) stated that during the car chase, § 87(2)(b) drove at a speed of approximately 30 to 45 miles per hour, and he believed § 87(2)(b) ran multiple stop signs. Immediately after § 87(2)(b) exited § 87(2)(b)'s vehicle, PO Ravelo exited his police vehicle and allegedly pointed his gun towards § 87(2)(b). § 87(2)(b) stood up less than five seconds after hitting the pavement, and PO Ravelo allegedly said, "Don't move or I'll shoot." § 87(2)(b) panicked and ran north on Nostrand Avenue with both hands allegedly well above his head. In his telephone statement, § 87(2)(b) alleged that PO Ravelo told him that he would shoot him if he did not stop running, but he did not allege this in his sworn statement or his intake call. § 87(2)(b) stated that after he turned left onto Cortelyou Road and stopped in the middle of the street, he turned around and faced PO Ravelo with his hands raised, and PO Ravelo was approximately eight feet away from him. PO Ravelo ran towards him without issuing any commands and allegedly punched him once in his face with his closed right fist, chipping his two front teeth. § 87(2)(b) stated that he was still for approximately ten seconds before PO Ravelo punched him, and that PO Ravelo did not say anything to § 87(2)(b) immediately prior to punching him. The punch made simultaneous impact with his teeth and nose. § 87(2)(b) went down to the ground on his own and laid on his chest, and then PO Ravelo handcuffed him. § 87(2)(b) was not sure whether PO Ravelo's gun was holstered when he struck him in the face, but he noted that he no longer saw PO Ravelo's gun. He made no mention of PO Ravelo threatening to shoot him immediately before he was struck in the face. § 87(2)(b) stated that § 87(2)(b) did not arrive at Cortelyou Road until after he was already handcuffed.

§ 87(2)(b) stated that he lost sight of § 87(2)(b) immediately upon exiting § 87(2)(b)'s car, and he made no mention of PO Ravelo having his gun pointed towards § 87(2)(b) or threatening to shoot § 87(2)(b). Approximately 18 to 21 minutes after he was apprehended by Det. Stigell, he was driven to a location approximately one to two blocks away, where PO Ravelo was still chasing after § 87(2)(b) who was running away from PO Ravelo with his hands up. § 87(2)(b) stopped running, and three to five seconds later, as § 87(2)(b) was exiting the police vehicle, PO Ravelo ran towards § 87(2)(b) and hit ("jabbed") him in his mouth, causing him to fall to the floor.

It is not clear in the surveillance footage from Blue Bayou Party Hall (Board Review 02) whether or not PO Ravelo's gun is drawn, but his arms are at his sides and he does not appear to aim a gun towards § 87(2)(b) before they both run out of the frame. When PO Ravelo exits his car, § 87(2)(b) is fully on the sidewalk and already running. § 87(2)(b)'s arms are at his sides, and it is unclear whether he is holding onto anything in his waistband or elsewhere, but his hands are not raised.



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According to his medical records from § 87(2)(b) (Privileged Documents 01), § 87(2)(b) complained of pain to his nose, abrasions to his arms, and fractured teeth. He was diagnosed with a nasal bone fracture and mild sinus mucosal disease, and he was prescribed Ibuprofen, Bacitracin ointment, a saline spray, and Acetaminophen-codeine.

PO Ravelo stated that § 87(2)(b) ran numerous stop signs and red lights, drove the wrong way down one-way streets, drove on a sidewalk for approximately half a block, and his vehicle exceeded 50 miles per hour at its highest speed. As PO Ravelo was chasing § 87(2)(b) on foot, § 87(2)(b) grabbed his waistband with his right hand after running approximately 15 to 20 steps. At this point, PO Ravelo drew his firearm and pointed it at § 87(2)(b) back because he feared for his safety and believed that § 87(2)(b) was reaching for a weapon. PO Ravelo said, "Police, stop," multiple times, § 87(2)(b) raised his left hand and continued running while holding his waistband with his right hand. § 87(2)(b) ran left around the corner onto Cortelyou Road, and when PO Ravelo came around the corner, he heard the sound of a metal object making impact with something. Based on his experience, PO Ravelo thought § 87(2)(b) threw a gun. § 87(2)(b) went around a parked vehicle and into the street, where he stopped. PO Ravelo was only able to see § 87(2)(b) upper chest and above, and he was not able to see his waistband. PO Ravelo ordered § 87(2)(b) to show his hands, and § 87(2)(b) raised both hands slightly above his head and faced PO Ravelo with his stomach almost pressed against the vehicle. PO Ravelo approached § 87(2)(b) with his gun still pointed at him and ordered him to go down to the ground at least twice. § 87(2)(b) offered no verbal response and did not comply. PO Ravelo believed § 87(2)(b) was armed because he refused to obey a police officer who had a gun pointed towards him. As PO Ravelo went around the parked vehicle, § 87(2)(b) began to lower his arms. PO Ravelo said, "Stop or I'll shoot," and then § 87(2)(b) stopped moving his arms. PO Ravelo then struck § 87(2)(b) with his right open palm in the center of his forehead, causing § 87(2)(b) to fall backwards and land on his side. PO Ravelo stated that he used this force in order to handcuff § 87(2)(b). PO Ravelo rolled § 87(2)(b) over, pulled his arms behind his back, and handcuffed him. PO Ravelo kept his gun pointed at § 87(2)(b) until the moment he handcuffed him. PO Ravelo stated that § 87(2)(b) did not offer any resistance besides running away from him and stiffening his arms as he handcuffed him. PO Ravelo later learned that the metallic sound was caused by a metal construction barrier that § 87(2)(b) had knocked over. PO Ravelo did not notice any injuries to § 87(2)(b) nose or teeth.

A Threat, Resistance, and Injury Report prepared by PO Ravelo (Board Review 07) indicates that he used a hand strike against § 87(2)(b) and cited the reasons for using this force as self-defense, overcoming resistance or aggression, and § 87(2)(b) flight.

Det. Stigell believed PO Ravelo's gun was holstered, and he did not see PO Ravelo point his gun at § 87(2)(b). Det. Stigell stated that he was not present on Cortelyou Road during PO Ravelo's apprehension of § 87(2)(b) and that PO Ravelo did not say "Don't move or I'll shoot" in his presence.

According to People v. Earley (76 A.D.2d 335), “An officer undertaking a legitimate inquiry is entitled to proceed free of unreasonable risk of personal harm... Faced with an individual suspected of a violent or serious crime, he may approach with weapon drawn or at the ready.”

Patrol Guide Procedure 221-01 states, “When appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force.” According to Patrol Guide Procedure 221-01, “Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances.” See Board Review 08.

§ 87(2)(g)

[REDACTED]

PO Ravelo stated that when he told § 87(2)(b) to stop running, § 87(2)(b) raised his left hand in the air and continued to run while holding his waistband with his right hand. He stated that he heard a metal object strike something, and believed it may have been a gun. Both § 87(2)(b) and PO Ravelo stated that § 87(2)(b) was apprehended in the middle of Cortelyou Road, and PO Ravelo stated that his view of § 87(2)(b) waistband was temporarily obscured by a parked vehicle when § 87(2)(b) lowered his arms and PO Ravelo said, “Stop or I’ll shoot.” § 87(2)(g)

[REDACTED]

PO Ravelo stated that once § 87(2)(b) stopped lowering his arms, he approached him on the other side of the vehicle and struck him once in his forehead with an open palm in order to handcuff him. § 87(2)(b) stated that his hands were raised and that he was no longer moving when PO Ravelo punched him in his nose and mouth with a closed fist. § 87(2)(b) broken nose and chipped teeth could have plausibly been a result of PO Ravelo’s blow to his face or his landing on the pavement after jumping out of § 87(2)(b)’s vehicle. Despite the location of impact and the resulting injuries remaining in dispute, it is undisputed that PO Ravelo struck § 87(2)(b) one time in his face while § 87(2)(b) was standing still and his hands were

visible. At the moment that PO Ravelo struck him, § 87(2)(b) was no longer moving, and he had heeded PO Ravelo's command to stop lowering his arms. In essence, at this point, § 87(2)(b) had surrendered to PO Ravelo.

PO Ravelo indicated that he struck § 87(2)(b) in order to get him handcuffed, and he noted that § 87(2)(b) did not offer any resistance besides running away from him and stiffening his arms after he had fallen to the ground and was being handcuffed. § 87(2)(g)

§ 87(2)(g)

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§ 87(2)(g)

Squad: 9

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date